

COPY OF PAPERS
ORIGINALLY FILED

Amber.5342B
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Eugene A. Fitzgerald

Serial No.: 09/761,497

Group No: 2818

Filed: 01/16/2001

Examiner: Nguyen, T.

For: LOW THREADING DISLOCATION DENSITY RELAXED
MISMATCHED EPILAYERS WITHOUT HIGH TEMPERATURE
GROWTH

Assistant Commissioner of Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

— a small entity - verified statement:

— attached.

— already filed.

X other than a small entity.

RECEIVED
MAY 24 2002
TC 2800 MAIL ROOM

CERTIFICATE OF MAILING (37 CFR 1.8(a))


I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date:

05/07/2002

Emily C. Porell

(Type or print name of person mailing letter)


(Signature of person mailing paper)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)--If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ___ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
___ one month	\$ 110.00	\$ 55.00
___ two months	\$ 400.00	\$200.00
___ three months	\$ 920.00	\$460.00
___ four months	\$1,440.00	\$720.00
___ fifth month	\$1,960.00	\$980.00

Fee \$

If an additional extension of time is required please consider this a petition therefor.
(check and complete the next item, if applicable)

___ An extension for _____ months has already been secured and the fee paid therefor of
\$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) ___ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	MINUS	=	x 9= \$		x 18=	\$	
INDEP.	MINUS	=	x 40= \$		x 80=	\$	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+135=\$		+\$270=	\$	
			TOTAL ADDIT. FEE \$		OR	TOTAL ADDIT. FEE	\$

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c) X No additional fee for claims is required.

OR

- (d) Total additional fee for claims required \$_____.

FEE PAYMENT

5. Attached is a check in the sum of \$_____.
- Charge Account No. _____ the sum of \$_____.
- A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. X If any additional extension and/or fee is required, charge Account No. 19-0079

AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079


SIGNATURE OF ATTORNEY

Reg. No.: 33,298

Tel. No.: (617) 426-9180
Extension 112

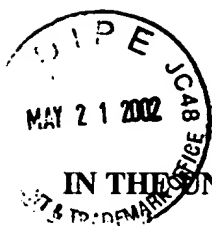
Matthew E. Connors
Type or print name of attorney

Samuels, Gauthier & Stevens

225 Franklin Street, Suite 3300
P.O. Address

Boston, Massachusetts 02110

28/8



Amber.5342B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Eugene A. Fitzgerald

GROUP: 2818

SERIAL NO: 09/761,497

EXAMINER: Nguyen, T.

FILED: January 16, 2001

FOR: LOW THREADING DISLOCATION DENSITY RELAXED
MISMATCHED EPILAYERS WITHOUT HIGH TEMPERATURE
GROWTH

Box No Fee Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

RECEIVED
MAY 24 2002
TC 2800 MAIL ROOM

RESPONSE

In response to the Office Action mailed February 7, 2002, please consider the following remarks

REMARKS

Claims 1-24 are rejected under 35 USC §103 as being unpatentable over Jewell '864 in view of Bensahel et al. '750, Brasen et al. ' 205 and in view of further remarks.

The Examiner's rejections are respectfully traversed.

Independent claim 1 recites a method of processing a semiconductor structure comprising providing a substrate, depositing a lattice-mismatched first layer on the substrate, annealing the first layer at a temperature greater than 100°C above the deposition temperature, and depositing a second layer on the first layer with a greater lattice mismatch to the substrate than the first layer. Independent claim 13 recites a method of processing a semiconductor graded composition